

Exhibit K

Declaration of A. Deem

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
BISMARCK DIVISION**

STATE OF IOWA, *et al.*,

Plaintiffs,

V.

COUNSEL ON ENVIRONMENTAL
QUALITY, and BRENDA MALLORY, in
her official capacity as Chair,

Defendants.

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Civil Action No. 1:24-cv-89

DECLARATION OF ANGEL DEEM

Pursuant to 28 U.S.C. § 1746, the declarant, Angel Deem, states as follows:

1. My name is Angel Deem. I am over eighteen years of age and am competent to testify as to the matters set forth in this Declaration. The facts in this Declaration are within my personal knowledge and are true and correct to the best of my personal knowledge.

2. I am the Virginia Department of Transportation (VDOT) Chief of Policy and have worked at VDOT since 1996. I oversee VDOT's Policy Directorate, where the Environmental Division and its National Environmental Policy Act (NEPA) program reside. I have served in this capacity since January 2022. Prior to this position, I served as Director of the VDOT Environmental Division.

3. The National Environmental Policy Act (NEPA) was enacted in 1969 and requires federal agencies to assess the environmental effects of their proposed actions prior to making decisions and implementing such actions.

4. The Council of Environmental Quality (CEQ) issues regulations to implement the requirements of NEPA. All federal agencies are required to comply with CEQ NEPA regulations. Similarly, state departments of transportation (DOTs), are required to comply with CEQ NEPA regulations when a state DOT project uses federal funds or relies on another form of federal action.

5. On May 01, 2024, the CEQ published the *National Environmental Policy Act Implementing Regulations Revisions Phase 2* 89 Fed. Reg. 35442 (Final Rule), requiring additional analysis and considerations of impacts to the natural and human environment during the environmental review process.

6. The Final Rule will require additional evaluation beyond what is currently required for projects regulated under NEPA. The additional requirements include but are not limited to: promotion of meaningful engagement with communities with environment justice (EJ) concerns, consideration of the needs of affected communities with EJ concerns including promotion of mitigation, consideration of climate change and reasonably foreseeable effects in the discussion of alternatives, and identification of the environmentally preferable alternative as one that will best promote the national environmental policy by maximizing environmental benefits.

7. The Final Rule, effective July 01, 2024, presents administrative, financial, and time burdens upon VDOT, as it attempts to incorporate these additional responsibilities in both new and ongoing projects, subject to NEPA laws and regulations.

8. I declare under penalty of perjury that the foregoing is true and correct.

Angel Deem

Angel Deem

Dated: July 29, 2024